

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 18-16777
Jackie M. Sampson,	:	Chapter 13
	:	Judge Magdeline D. Coleman
Debtor.	:	*****
Jackie M. Sampson, Kenneth E. West,	:	
Movant,	:	Related to Document No.71
v.	:	
	:	
MidFirst Bank,	:	
Respondent.	:	

**RESPONSE TO MOTION TO RECONSIDER
ORDER MODIFYING AUTOMATIC STAY (DOCKET # 71)**

Now comes MidFirst Bank ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and responds to the Motion to Reconsider Order Modifying Automatic Stay("Motion") filed by Jackie M. Sampson ("Debtor") on June 22, 2023, at Docket # 71. Creditor states that Debtor's account is not post-petition current and to vacate relief from the automatic stay would be prejudicial to Creditor. Creditor avers as follows:

1. The averments contained in the corresponding paragraph refer to a document in writing, to which no responsive pleading is required.
2. The averments contained in the corresponding paragraph refer to a document in writing, to which no responsive pleading is required.
3. The averments contained in the corresponding paragraph refer to a document in writing, to which no responsive pleading is required.
4. The averments contained in the corresponding paragraph refer to a document in writing, to which no responsive pleading is required.

5. The averments contained in the corresponding paragraph refer to a document in writing, to which no responsive pleading is required.
6. The averments contained in the corresponding paragraph refer to a document in writing, to which no responsive pleading is required.
- 8-9.[sic] Denied. Respondent lacks sufficient knowledge or information to form a belief as to the truth of averments contained in the corresponding paragraphs numbered by Debtor as paragraphs eight (8) and nine (9). By way of further response and without waiver of the forgoing, Debtor has not attached proofs to support their proposition and that future timely payments could be made. Moreover, although Debtor has failed to set forth any legal basis to have the relief order vacated, assuming that Debtor is seeking relief under Fed. R. Civ. P. 60(b), which applies in bankruptcy cases, per Fed. R. Bankr. P. 9024, Debtor has not provided any reason that would fall under the enumerated bases for relief under Fed. R. Civ. P. 60(b). Debtor's account is not post-petition current and to reinstate the stay would be prejudicial to Creditor. According to Creditor's records, Debtor is due for the April 1, 2023, through July 1, 2023, post-petition payments at \$570.51 each plus attorney fees of \$750.00 for Notice of Default and response to Motion less \$42.72 in suspense, totaling \$2,989.32.

WHEREFORE, Creditor respectfully requests that the motion be denied.

Respectfully submitted,

/s/Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)

Adam B. Hall (323867)

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v.	:	
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MidFirst Bank,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Response to Motion to Reconsider Order Modifying Automatic Stay was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Jackie M. Sampson, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Jackie M. Sampson, 4928 N. 19th Street, Philadelphia, PA 19141

/s/Alyk L. Oflazian